

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 06-02814-VBF (JCR)	Date	June 4, 2008
Title	<b>VICTOR HUGO CUELLAR v. MIKE EVANS, Warden</b>		

Present: The Honorable	JOHN C. RAYBURN, JR., U.S. MAGISTRATE JUDGE		
Debra Taylor	Not Reported		N/A
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Petitioner:		Attorneys Present for Respondent:	
Not Present		Not Present	

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE**

On August 2, 2007, the Court granted Victor Hugo Cuellar's ("Petitioner's") request for a stay and abeyance of the First Amended Petition and issued a stay of the First Amended Petition so that Petitioner could further exhaust his *Blakely v. Washington*, 542 U.S. 296 (2004) claim in state court. The Court ordered Petitioner to file a Status Report with the Court within sixty days of the issuance of the stay, advising the Court on the status of the matter in the state court, and then on the last day of the month each month thereafter. In addition, Petitioner was ordered to provide the Court with a file-stamped copy of any final rulings or orders of the state court within ten days of their issuance, and with any petitions Petitioner filed and subsequently filed in those courts.

On October 26, 2007, and February 25, 2008, Petitioner filed status reports with the Court. The Court has yet to receive any further status reports. Thus, Petitioner has failed to adhere to the Court's August 2, 2007, Order requiring Petitioner to file periodic status reports with the Court on the last day of each month.

Accordingly, on or before **July 7, 2008**, Petitioner is **ORDERED** to either (a) show good cause in writing, if any exists, why the Court should not recommend that this case be dismissed for lack of diligent prosecution and failure to comply with the Court's August 2, 2007, Order or (b) file a Status Report on the progress of Petitioner's claims in state court and any final rulings, orders, or petitions filed in those courts.

Petitioner is forewarned that, if he fails to respond on or before **July 7, 2008**, the Court will deem such failure as further evidence of a lack of prosecution on Petitioner's part that may result in a recommendation that the action be dismissed without prejudice for failure to prosecute.

**IT IS SO ORDERED.**

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Initials of Preparer dts